

Message Text

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60

ORIGIN L-03

INFO OCT-01 ARA-06 IO-10 ISO-00 OES-03 INRE-00 CG-00

DOT-00 SS-15 FEA-01 SSO-00 USIE-00 ACDA-05 AGR-05

AID-05 CEA-01 CEQ-01 CIAE-00 CIEP-01 OFA-01 DLOS-04

DODE-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-02

INR-07 INT-05 NSAE-00 NSC-05 NSF-01 OMB-01 PA-01

PM-04 PRS-01 SP-02 /105 R

DRAFTED BY L/OES:JLBURTON:MERS

APPROVED BY ARA/CAR - MR. HEAVNER

L/OES - MR. OXMAN

OES/OFA-MR SCHOWENGERDT (PHONE)

NOAA/OGC - MR. TAFT (SUBS)

COGARD - ADM. WAGNER (SUBS)

T - MR. MAW (SUBS)

S/S-O:D.MACK

----- 051800

O 240011Z AUG 75 ZFF4

FM SECSTATE WASHDC

TO AMEMBASSY NASSAU NIACT IMMEDIATE

INFO COMDT COGARD IMMEDIATE

COGARD 7TH DIST IMMEDIATE

USMISSION GENEVA IMMEDIATE IMMEDIATE

JUSTICE

COMMERCE

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GENEVA FOR AMB. CLINGAN, US DEL LOS

E.O. 11652: N/A

TAGS: EFIS, BFR, PLOS

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SUBJECT: TERMINATION OF US/GCOB SPINY LOBSTER TALKS

NASSAU PASS USDEL SPINY LOBSTER TALKS

SUMMARY: INSTRUCTIONS AND PRESS GUIDANCE FOLLOW FOR CONCLUSION US/GCOB SPINY LOBSTER TALKS. EMBASSY REQUESTED TO DELIVER NOTE TO GCOB. END SUMMARY.

, THESE INSTRUCTIONS APPLY IN THE EVENT GCOB DEL CONTINUES TO WISH TO CONCLUDE TALKS. IT SHOULD BE CLEAR THAT USG IS WILLING TO CONTINUE DISCUSSIONS TO CONSIDER ANY IDEAS OR PROPOSALS GCOB HAS.

2. DEL MAY AGREE TO JOINT PRESS STATEMENT WITH GCOB ALONG FOLLOWING LINES QTE DISCUSSIONS CONCERNING SPINY LOBSTER BETWEEN REPRESENTATIVES OF THE UNITED STATES AND GCOB WERE SUSPENDED TODAY. THE BAHAMIAN DELEGATION STATED IT WAS THEIR CONCLUSION THAT THERE WAS NO BASIS FOR AGREEMENT AS A RESULT OF THESE DISCUSSIONS. THE REPRESENTATIVES WILL SUBMIT THE MATTER FOR FURTHER CONSIDERATION BY THEIR RESPECTIVE GOVERNMENTS. UNQTE. ANY JOINT STATEMENT SHOULD BE CONSISTENT WITH US VIEW THAT RESPONSIBILITY FOR

FAILURE RESTS WITH GCOB.

3. EMBASSY IS REQUESTED TO NOTIFY DEPT BY PHONE AS SOON AS TALKS TERMINATE. DEPT. WILL ISSUE FOLLOWING STATEMENT AT THAT TIME, OR IN ANY EVENT AT NOON PRESS BRIEFING MONDAY UNLESS DEL INDICATES BEFORE NOON BY TELECON THAT GCOB ATTITUDE HAS UNEXPECTEDLY CHANGED.

BEGIN TEXT. THE DPEARTMENT OF STATE ANNOUNCED TODAY THAT THE TALKS BETWEEN THE UNITED STATES AND THE BAHAMAS DESIGNED TO PERMIT U.S. BASED FISHERMEN ACCESS TO THE BAHAMIAN SPINY LOBSTER RESOURCE HAD FAILED.

DAVID H. WALLACE, CHAIRMAN OF THE U.S. DELEGATION TO THE TALKS, SAID THAT THE UNITED STATES HAD MADE A NUMBER OF PROPOSALS WHICH WERE, IN THE U.S. VIEW, REASONABLE AND IN THE INTERESTS OF BOTH GOVERNMENTS. HE INDICATED THAT LIMITED OFFICIAL USE
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HE WAS AUTHORIZED TO CONSIDER ANY COUNTER-PROPOSALS WHICH THE BAHAMIAN GOVERNMENT MIGHT WISH TO ADVANCE. REGRETTABLY THE BAHAMIAN GOVERNMENT REFUSED TO ADVANCE ANY PROPOSALS, STATING IT DID NOT BELIEVE IT PROPER TO ADVANCE SUCH PROPOSALS TO THE U.S.

PROPOSALS VANCED BY THE UNITED STATES INCLUDED JOINT CONSERVATION MEASURES AND COOPERATION IN SCIENTIFIC RESEARCH, LIMITATIONS ON U.S. FISHING EFFORTS, MEASURES TO ENSURE THAT THERE WOULD BE NO COMPETITION FOR THAT PORTION OF THE RESOURCE BAHAMIAN FISHERMEN ARE ABLE TO TAKE, LICENSE FEES TO BE PAID TO THE BAHAMAS, ASSISTANCE IN ENFORCEMENT, AND ESPECIALLY ASSISTANCE IN TRAINING BAHAMIAN

MIAN FISHERMEN, HE SAID. THESE PROPOSALS WERE NOT ACCEPT-
ED BY THE BAHAMIANS, WHO CONCLUDED THAT THEY COULD NOT
FIND A BASIS FOR AGREEMENT WITH THE UNITED STATES.

THE TALKS BETWEEN THE U.S. AND BAHAMAS GOVERNMENTS WERE
HELD IN NASSAU FROM AUGUST 13 TO 21, AND HAVE BEEN
SUSPENDED FOR FURTHER CONSIDERATION OF THE MATTER BY THE
RESPECTIVE GOVERNMENTS.

MR. WALLACE EXPRESSED REGRET OVER THE OUTCOME, NOTING THAT
IT WILL CAUSE SEVERE HARDSHIP FOR MANY U.S. SPINY LOBSTER
FISHERMEN. HE POINTED OUT THAT U.S. FISHERMEN HAVE
ENGAGED IN FISHING FOR SPINY LOBSTER ON THE BAHAMAS BANKS
FOR MANY YEARS. HE ALSO NOTED THAT A JOINT U.S.-BAHAMIAN
GROUP OF SCIENTIFIC EXPERTS HAD DEVELOPED A REPORT WHICH
CLEARLY INDICATED A SUBSTANTIAL AVAILABILITY OF LOBSTER
ON THE BANKS WHICH COULD BE TAKEN BY AMERICAN FISHERMEN
WITHOUT PREJUDICE TO THE STOCK OR THE PLANS OF THE BAHAMAS
FOR EXPANSION OF THEIR FISHERY.

ON JULY 26, THE BAHAMAS DECLARED JURISDICTION OVER THE
SPINY LOBSTER AS A LIVING RESOURCE OF THE CONTINENTAL
SHELF. SIMILAR ACTION WAS TAKEN BY THE UNITED STATES IN
JANUARY 1974 WHEN IT DECLARED JURISDICTION OVER AMERICAN
LOBSTER AS A LIVING RESOURCE OF THE CONTINENTAL SHELF.

MR. WALLACE FURTHER INDICATED THAT HE HAD MADE THE
FOLLOWING STATEMENT TO THE BAHAMIAN DELEGATION UPON
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INSTRUCTIONS FROM WASHINGTON:

QTE. WITHOUT QUESTIONING THE VALIDITY OF THE BAHAMIAN
CLAIM OF JURISDICTION OVER SPINY LOBSTER AS A LIVING
RESOURCE OF THE CONTINENTAL SHELF, THE UNITED STATES
GOVERNMENT BELIEVES THAT THE BAHAMAS HAVE AN OBLIGATION
UNDER INTERNATIONAL LAW TO TAKE INTO ACCOUNT THE INTERESTS
OF FISHERMEN THAT PREVIOUSLY FISHED FOR SPINY LOBSTER
IN THE AREA, AND TO NEGOTIATE REASONABLE ARRANGEMENTS
REGARDING UNITED STATES FLAG VESSELS TO THAT END. WE
BELIEVE SUCH ARRANGEMENTS WOULD STRENGTHEN THE INTERESTS
OF BOTH COUNTRIES IN THE CONSERVATION AND EFFECTIVE
UTILIZATION OF THE STOCKS, AND WOULD NOT IN ANY SENSE
BE INCOMPATIBLE WITH THE INTERESTS OR JURISDICTION OF
THE BAHAMAS. UNQUOTE.

PENDING RESOLUTION OF THIS ISSUE, THE UNITED STATES CALLS
ON ALL CONCERNED TO AVOID ANY ACTS OR PROVOCATIONS THAT
COULD RESULT IN VIOLENCE. WE CALL ON THE GOVERNMENT OF
THE COMMONWEALTH OF THE BAHAMAS TO EXERCISE RESTRAINT IN
THIS MATTER. FOR ITS PART, THE UNITED STATES WILL ENFORCE

ITS LAWS TO THE FULLEST EXTENT WITHIN THE U.S. AND WITH RESPECT TO AMERICAN VESSELS.

THE UNITED STATES GOVERNMENT WILL CONTINUE TO DO EVERYTHING POSSIBLE TO ENSURE THAT TRANSITIONAL ARRANGEMENTS WILL BE MADE THAT FAIRLY PROTECT THE INTERESTS OF OUR FISHERMEN AND FISHING VESSELS AS WELL AS THOSE OF THE BAHAMAS. ACCORDINGLY, THE UNITED STATES GOVERNMENT IMMEDIATELY INTENDS TO PURSUE DISCUSSIONS BETWEEN THE TWO GOVERNMENTS REGARDING THE ACCEPTED METHODS FOR THE PEACEFUL SETTLEMENT OF DISPUTES, SUCH AS NEGOTIATION, ENQUIRY, MEDIATION, CONCILIATION, ARBITRATION, JUDICIAL SETTLEMENT, RESORT TO REGIONAL AGENCIES OR ARRANGEMENTS, OR OTHER PEACEFUL MEANS OF THEIR OWN CHOICE. IN PARTICULAR, WE ARE SUGGESTING TO THE GCOB THAT THE ISSUE BE SUBMITTED IMMEDIATELY TO THE ICJ. END TEXT.

4. EMBASSY IS REQUESTED TO TRANSMIT FOLLOWING NOTE TO GCOB BY NOON MONDAY AND AFTER TERMINATION OF DISCUSSIONS:

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BEGIN TEXT. (COMPLIMENTARY OPENING) AND HAS THE HONOR TO REFER TO DISCUSSIONS WHICH HAVE TAKEN PLACE IN NASSAU FROM AUGUST 13 TO AUGUST 21 BETWEEN REPRESENTATIVES OF THE TWO GOVERNMENTS CONCERNING THE SPINY LOBSTER RESOURCE OFF THE COAST OF THE BAHAMAS.

THE EMBASSY IS INSTRUCTED TO EXPRESS THE REGRET OF THE USG THAT THESE DISCUSSIONS HAVE FAILED TO RESULT IN AN AGREEMENT BETWEEN THE TWO GOVERNMENTS CONCERNING THE FISHING FOR SPINY LOBSTER ON THE CONTINENTAL SHELF OFF THE COAST OF THE BAHAMAS BY FISHERMEN IN THE UNITED STATES WHO HAVE PREVIOUSLY FISHED FOR THIS RESOURCE AS A FREEDOM OF THE HIGH SEAS.

THE UNITED STATES DELEGATION TO THESE DISCUSSIONS WAS FULLY AUTHORIZED TO MAKE PROPOSALS AND CONSIDER COUNTER-PROPOSALS IN AN EFFORT TO REACH A MUTUALLY ACCEPTABLE AGREEMENT THAT WOULD ALLOW FISHERMEN IN THE UNITED STATES TO CONTINUE FISHING, SUBJECT TO APPROPRIATE AGREED MEASURES IN CONFORMITY WITH THE INTERESTS OF BOTH COUNTRIES, INCLUDING THOSE TO ENSURE THAT SUCH FISHING WOULD BE CONSISTENT WITH GOOD CONSERVATION PRACTICES AND THAT THERE WOULD BE NO COMPETITION FOR THAT PORTION OF THE OPTIMUM SUSTAINABLE YIELD BAHAMIAN FISHERMEN HARVEST.

THE UNITED STATES GOVERNMENT IS UNABLE TO UNDERSTAND THE FAILURE OF THE BAHAMIAN DELEGATION TO MAKE ANY PROPOSALS, AND THE UNWILLINGNESS OF THE BAHAMIAN DELEGATION ACTIVELY TO NEGOTIATE ON THE BASIS OF AN ACCOMMO-

DATION OF THE SPECTIVE RIGHTS AND INTERESTS OF THE TWO GOVERNMENTS.

WITHOUT QUESTIONING THE VALIDITY OF THE BAHAMIAN CLAIM OF JURISDICTION OVER SPINY LOBSTER AS A LIVING RESOURCE OF THE CONTINENTAL SHELF, THE UNITED STATES GOVERNMENT BELIEVES THAT THE GCOB HAS AN OBLIGATION UNDER INTERNATIONAL LAW TO TAKE INTO ACCOUNT THE INTERESTS OF FISHERMEN THAT PREVIOUSLY FISHED FOR SPINY LOBSTER IN THE AREA, AND TO NEGOTIATE REASONABLE ARRANGEMENTS REGARDING UNITED STATES FLAG VESSELS TO THAT END. THE UNITED STATES GOVERNMENT BELIEVES THAT SUCH ARRANGE-
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MENTS WOULD STRENGTHEN THE INTERESTS OF BOTH COUNTRIES IN THE CONSERVATION AND EFFECTIVE UTILIZATION OF THE STOCKS, AND WOULD NOT IN ANY SENSE BE INCOMPATIBLE WITH THE INTERESTS OR JURISDICTION OF THE BAHAMAS.

THE USG DOES NOT REGARD THE DISCUSSIONS WHICH HAVE TAKEN PLACE AS SATISFYING THE INTERNATIONAL OBLIGATIONS OF THE

GCOB. NEVERTHELESS, THE USG WILL CONTINUE TO MAKE EVERY EFFORT TO REACH AN AMICABLE RESOLUTION OF THESE ISSUES.

ACCORDINGLY, THE USG PROPOSES THAT THE TWO GOVERNMENTS IMMEDIATELY ENTER INTO DISCUSSIONS REGARDING THE USE OF ACCEPTED METHODS FOR THE PEACEFUL SETTLEMENT OF DISPUTES, SUCH AS NEGOTIATION, ENQUIRY, MEDIATION, CONCILIATION, ARBITRATION, JUDICIAL SETTLEMENT, RESORT TO REGIONAL AGENCIES OR ARRANGEMENTS, OR OTHER MUTUALLY ACCEPTABLE PEACEFUL MEANS. WITHOUT PREJUDICE TO SUCH DISCUSSIONS, THE USG WISHES TO STATE AT THIS TIME THAT IT IS PREPARED TO AGREE TO SUBMIT THE ISSUE IMMEDIATELY TO THE INTERNATIONAL COURT OF JUSTICE, WHICH IS AN APPROPRIATE FORUM FOR CONSIDERING THE QUESTIONS INVOLVED ON AN IMMEDIATE BASIS, AND URGES THE GCOB TO GIVE THIS PROPOSAL URGENT AND FAVORABLE CONSIDERATION.

FINALLY, THE USG MUST REQUEST THE GCOB TO ENSURE THAT ITS AUTHORITIES USE ALL RESTRAINT NECESSARY TO AVOID FURTHER COMPLICATIONS IN THIS MATTER. (COMPLIMENTARY CLOSE). END TEXT.

5. DEL AND EMBASSY ARE REQUESTED TO MAKE NO RPT NO STATEMENTS TO THE PRESS BEYOND SUBSTANCE OF ANY JOINT STATEMENT AS IN PARA 2. INQUIRIES SHOULD BE DIRECTED TO DEPT. PRESS OFFICE.

6. DEL AND EMBASSY FURTHER REQUESTED TO MAKE EVERY EFFORT TO OBTAIN COPY OF GCOB RECORD OF DISCUSSIONS PRIOR TO

OPENING OF MEETING.

7. FOR AMBASSADOR WEISS: DEPT. ATTEMPTED TO REACH YOU
REGARDING THIS CABLE PRIOR TO YOUR DEPARTURE FROM
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WASHINGTON. SORRY TO HAVE MISSED YOU. MAW

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<< END OF DOCUMENT >>

Message Attributes

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Draft Date: 24 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
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Disposition Approved on Date:
Disposition Authority: CunninFX
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